

REMARKS

This is a response to the non-final office action dated November 15, 2007. Claims 1-99 were presented originally at filing. As a result of a restriction requirement, the Examiner has withdrawn claims 3, 8-11, 17-18, 20-22, 24-91 and 93-99. Hence, claims 1-2, 4-7, 12-16, 19, 23 and 92 remained pending. Within this response, claims 1-2 and 92 are currently amended. Upon entry of this response, claims 1-2, 4-7, 12-16, 19, 23 and 92 will be pending. No new subject matter has been added to the above-referenced patent application.

Much of the Applicant's invention disclosure is directed to the rear portion of the eye, including the retina portion of the eye, and directed to providing an indication of abnormalities and neurological disorders (diseases) associated with the retina (retinopathy), and specifically to providing an indication of the presence of the Alzheimer's disease.

Unfortunately, the originally filed claims to subject matter relating to the retina, retinopathy and to the Alzheimer's disease are currently included within the claims that have been withdrawn and are not included within the claims that have been examined within the prior office action. To address these issues, the claim amendments and newly added claims included herein are directed to the retina and to retinal abnormalities that could be caused, at least in part, by the retina and/or a diseased portion of the brain.

As amended, claim 1 now recites in part "a data analysis module that interrelates data from said at least two data types to provide an interpretive result "that is indicative of a presence of an abnormality that appears to be caused by the retinal portion of the eye".

Within the non-final office action, the Examiner has rejected all of the pending claims 1-2, 4-7, 12-16, 19, 23 and 92 based upon a patent reference to Hohla (7,237,898).

Unlike the subject matter of the invention, the Hohla reference is directed towards the front portion of the eye (cornea) for the purpose of ophthalmic refractive surgery (Column 1, Lines 1-2), a form of laser surgery (Column 2, Lines 50-51) for refractive (vision) correction (Column 3, Lines 28-31), like that known as LASIK surgery (Column 1, Lines 15-20).

Hohla provides a customized corneal profile by combining corneal topography data with captured wave front aberration data to form a course of refractive treatment of the eye (Abstract). Contrary to the location of the retina within the rear portion of the eye, the cornea is located in

the front portion of the eye. Although Hohla does refer to the retina for the purpose of analyzing light returned (backscattered) from the retina, Hohla does not refer to the retina for the purpose providing an interpretive result “that is indicative of a presence of an abnormality that appears to involve a retinal portion of the eye, and where said abnormality could actually involve, at least in part, a diseased portion of the brain”, as recited in part, by claim 1 as amended.

The Applicant could not find any teaching within the Hohla reference that is directed toward analyzing and/or interrelating data to provide an interpretive result that is indicative of a presence of a retinal abnormality and/or a disease of the brain, nor that is indicative of the presence of specific types of neurological disorders (diseases) including such as glaucoma, macular degeneration, diabetic retinopathy, Parkinson's disease, Alzheimer's disease, dyslexia, multiple sclerosis, optic neuritis etc. as taught by the Applicant's invention.

Furthermore, Hohla appears to employ data types that are different than those employed by the Applicant's invention. For example, Hohla does not appear to employ data types including such as confocal microscopy data, retinal polarimetry data, thermal image data and spectroscopic image data as are employed within the Applicant's invention.

In summary, the Applicant's invention, as claimed, differs from the description of Hohla in that it focuses on problems and issues that are associated with a different portion of the eye, by gathering, interrelating and analyzing different data types to pursue different purposes.

As a result, the Applicant respectfully asserts that the pending claims of the subject patent application patentably distinguish over the prior art of record and are in condition for allowance. A Notice of Allowability is respectfully requested.

If the Examiner wishes to expedite disposition of the above-captioned patent application, he is invited to contact Applicant's representative at the telephone number listed below.

It is believed no fee is required for the filing of this response. However, in the event that any additional fees are required, the Director is hereby authorized to charge Deposit Account No. 50-3010 for any additional fees and to charge any overpayments thereto.

Respectfully submitted,

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